IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9442 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMESHWARPRASAD

Versus

MANAGER/MANAGING DIERCTOR

Appearance:

1. Special Civil Application No. 9442 of 2004

MR MS MANSURI for Petitioner No. 1-4

M/S THAKKAR ASSOC. for Respondent No. 1

MR NAVIN K PAHWA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 09/08/2004

ORAL JUDGEMENT

Rule. Mr.N.K.Pahwa, appearing on caveat, waives service of notice of rule on behalf of the respondent. At the joint request of the learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. In the preset petition, the petitioners have challenged the order dated 21.7.04 passed by the Presiding Officer, Labour Court, Bharuch by which the application of the petitioner for interim injunction was rejected and the order of status quo granted earlier was vacated. In the said order, the Labour Court was pleased to take notice of the undertaking given by the respondent to the effect that "the respondent will not change any service condition, while in service, prejudicial to the workmen, without following due process of law".

3. Both the learned advocates appearing for the respective parties point out that the main application being Complaint No.3/04 filed by the petitioners is pending before the Labour Court and the next hearing is fixed on 18th August, 2004. They submit that looking to the issues involved, the said application can be directed to be disposed of expeditiously.

4. The Labour Court is, therefore, requested to give priority consideration to the said Complaint No.3/04 and ensure that the same is disposed of as far as possible within a period of one month from today. Both the sides are directed to co-operate with the early disposal of the said proceedings. In the meantime, the respondent shall abide by the undertaking given before the Labour Court. In case of any breach thereof, the petitioners will be at liberty to take such legal recourse as may be available under the law. It goes without saying that the Labour Court will decide the entire issue afresh without being influenced by the interim order passed earlier.

5. With the above observations and directions, the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.

(Akil Kureshi, J.)
(vjn)